

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 10/10/17

Held at
1000 Washington Street, Boston, MA, 02118
At 10:00 a.m.
Room 1D

Board Members Present:

Patrick Driscoll
Thomas O'Donnell
Paul Phaneuf
Peter Stefan
Carolyn Lindsay

Staff Members Present:

Michael Hawley, Executive Director
Thomas Burke, Associate Executive Director
Charles Kilb, Board Counsel
Robert Williams, Investigator
Christopher Carroll, Chief Investigator

Members of the Public Present:

Alexis Rose
Michael Roberts
Jaclyn Curtis
JoAnn Skilba
Walter C. Dolan
Ryan Boryk
Gary D. Fine
Michael Gardner
Richard McDevitt
Richard Collins
James Burns
George Fiske
Drew Fiske
Paul S. Landry
Daniel R. Martin
Robert Rosano

Augustus Salmon
William Lawler
James Dolan
Andrew Dolan
Richard Mansfield
Kevin R. Depasse
David Lewis
John J. O'Malley
James Sweeney
Diane Bruno
Christopher Luciano
Richard Flocks
Joseph DeWolfe
Glenn F. Campbell
Richard S. Mansfield
James Dolan, Sr.

Call to Order

Mr. O'Donnell called the meeting to order at 10:25 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

Review of Minutes

The Board reviewed staff prepared minutes of the meeting held on September 12, 2017.

Mr. Phaneuf moved to accept staff prepared minutes of the meeting held on September 12th, 2017. Ms. Lindsay seconded the motion. Motion passed unanimously.

Election of Board Officers

In light of Mr. O'Donnell's announcement to retire as Board chair at the September meeting, the Board held an election to choose a new chair and secretary. By unanimous consent, Mr. Phaneuf was elected as new chair and Mr. Driscoll as new secretary of the Board.

Report from Executive Director Michael Hawley

In lieu of Executive Director Hawley, Associate Executive Director Thomas Burke noted that changes to the Type 6 application are under review and will be submitted to PCS for publication. Board members expressed a desire to maintain membership in The Conference regardless of changes to the national exam requirements. The Board indicated that it would like to utilize such contacts to, in the near future, review funeral registration requirements with removals and other services that involve moving across state lines.

Report from Legal Counsel, Charles Kilb

No report.

Report from Christopher Carroll, Chief Investigator

No report.

Discussion

Continuing Education Provider Applications:

The Board reviewed the following applications:

Massachusetts Funeral Directors Association

- Due Diligence for Funeral Home Utilizing Third Party Crematories-Home Study
- Home Study-Cell Phone Policies for Funeral Homes-Distracted Driving-Is It Time For Funeral Homes To Ban Employees' Use of Cell Phones While Driving?
- Funeral Home Confidentiality-Home Study
- The Disposition of Medical Devices-Home Study
- Third-Party Merchandise Guidelines
- Screening & Hire: An Expert Guide to Making the Right Hire-Home Study

NFDA

- 50 Cards, 50 Question
- Critical Issue: A 50 State View of the Opioid Epidemic
- Funeral Financing and Payment Strategies for Your Family
- CRASE-Active Shooter Training

- Cremation Certification Program-Mountain Home, AR
- Preparing for a Successful Family Succession: Transfer

Board members noted that in general, the courses above were consistent with courses approved in the past. They were concerned with one course, Cremation Certification Program-Mountain Home, AR, which appeared to be designed to apply generically in multiple states, however it was not specific to Massachusetts meaning that certain portions would not apply to Massachusetts and/or would violate Massachusetts law. It was noted that the regulations at 239 CMR 5.04 states that courses involving non-Massachusetts laws and regulations generally would not be approved.

Mr. O'Donnell moved to accept all continuing education courses presented other than Cremation Certification program-Mountain Home, AR. The motion was seconded by Mr. Phaneuf. The motion passed unanimously.

Executive Session [Closed Session pursuant to M.G.L. c. 30A, §21; M.G.L. c. 4, §7 (Twenty-sixth)(l); and M.G.L. c. 66A, §§1 to 3]

At 11:08 a.m., Mr. Phaneuf moved to go into executive session [Closed Session pursuant to M.G.L. c. 30A, §21(1) and M.G.L. c. 66] and Mr. O'Donnell seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Stefan: "Yes", Mr. O'Donnell: "Yes", Mr. Driscoll: "Yes" and Ms. Lindsay: "Yes".

See Separate minutes for Executive Session actions

Investigative Session Case, Investigative Conferences, Settlement Offers: [Closed session pursuant to M.G.L. c. 112, § 65C]

At 11:54 a.m., Mr. Driscoll moved to suspend the open meeting and enter into investigative conference to discuss disciplinary cases and settlement offers [closed session pursuant to M.G.L. c. 112, § 65C]. The motion was seconded by Mr. Phaneuf. The motion passed unanimously.

After the closed session the open meeting resumed.

During the closed session, the Board took the following actions:

- EM-2017-0972-IT-ENF – Dismissed with Advisory Letter (Mr. Phaneuf recused himself from this case. Mr. Driscoll was absent for this case.)
- EM-2017-0002- IT-ENF JH – Voted to return to prosecutions
- EM-2017-000261-IT-ENF JH – Accepted counter-offer

At 12:28 p.m. Mr. Driscoll moved to go out of investigative session. The motion was seconded by Ms. Lindsay. **The motion passed unanimously.** Mr. O'Donnell announced that the Board would adjourn for lunch. He stated that the Board would return at approximately 1:15 p.m.

Lunch Break

At 1:15 p.m. the public session resumed.

Application Review:

Apprentice applicants - Review and vote on applications

The Board met with the following Apprentice applicants:

- Katherine Knowles
- Richard Mansfield
- Robert Rosano
- Andrew Dolan
- Stephanie Palumbo

Katherine Knowles and Stephanie Paulmbo were not present for their application review.

Mr. Driscoll moved to approve the above candidates for licensure. Mr. Stefan seconded. The motion passed unanimously.

Funeral Assistants (1st time) - Review and vote on applications

The Board met with the following initial Funeral Assistant applicants:

- Joseph DeWolf
- Kevin Depasse
- David Lewis
- John O'Malley Jr.
- Paul Landry
- E. Richard Flooks
- Gary Fine
- James Sweeney
- Ryan Boryk
- Richard McDevitt

Mr. Driscoll was not present for the review and vote on these applications.

Ms. Lindsay moved to approve the above candidates for licensure. Mr. Phaneuf seconded. The motion passed unanimously by all present board members.

Type 6 – Review and vote on applications

- Drew Fiske
- Diane Bruno

Mr. Driscoll and Mr. Stefan were not present for the review and vote on these applications.

Mr. Phaneuf moved to approve the above candidates for licensure. Ms. Lindsay seconded. The motion passed unanimously by all present board members.

License Reinstatement

- Thomas Cuccia

The Board reviewed a petition by Thomas Cuccia, who had been revoked after adjudicatory proceedings which he failed to take part in. The members discussed a reinstatement agreement in which Mr. Cuccia would pay a civil administrative penalty of \$2,000, be subject to a two year stayed suspension, and back continuing education with examination. Mr. Phaneuf moved to approve the above candidate for reinstatement of his license with these terms. Ms. Lindsay seconded. The motion passed unanimously.

Adjournment

At 2:11 p.m. Mr. Phaneuf moved to adjourn the meeting. Mr. Driscoll seconded the motion.
Motion passed unanimously.

List of Documents used at the meeting:

1. Agenda
2. Minutes from previous meeting(s) where applicable
3. Applications for personal registration
4. Continuing education provider applications

Respectfully submitted,



Michael Hawley
Executive Director